

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOHN BUHRING**

**PETITIONER**

**v.**

**Civil Action No. 1:15-cv-179-HSO-JCG**

**JENNIFER SAAD, *Warden of*  
*FCI-Hazelton***

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION [16].  
DENYING PETITIONER'S MOTION [13] TO TRANSFER CASE,  
GRANTING RESPONDENT'S MOTION [10] TO DISMISS, AND  
DISMISSING PETITION [1] FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on the Report and Recommendation [16] of United States Magistrate Judge John C. Gargiulo, entered on June 30, 2016, recommending that the Court deny Petitioner John Buhring's Motion [13] to Transfer Case, grant Respondent Jennifer Saad's Motion [10] to Dismiss, and dismiss the Petition [1] for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. The Court mailed a copy of the Report and Recommendation to Petitioner at his address of record via certified mail, return receipt requested. Although the Report and Recommendation [16] was received by the prison where Petitioner was housed, FCI-Hazelton in Bruceton Mills, West Virginia, *see* Acknowledgment of Receipt [17], the document was returned on July 12, 2016, with a notation on the face of the envelope that Petitioner is no longer at this address, *see* Mail Returned as Undeliverable [18].

The record thus reflects that Petitioner has not complied with the Court's Order to advise the Court of any change of address. *See* Order [5] ("Petitioner is warned that . . . failure to keep the Court informed of his current address may

result in the dismissal of this cause.”). Moreover, Petitioner has not filed any objection to the Report and Recommendation, and the time for doing so has passed.

Where a party fails to file specific objections to a magistrate’s proposed findings of fact and recommendation, the district court reviews the proposed findings of fact and recommendation for findings and conclusions that are clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After referral of hearing by this Court, no objections have been filed as to the Report and Recommendation. The Court, having fully reviewed the same as well as the record and relevant law in this matter, finds that the Report and Recommendation is neither clearly erroneous nor contrary to law and should be adopted in its entirety as the opinion of this Court. The Magistrate Judge properly recommended that Petitioner’s Motion [13] to Transfer Case be denied, Respondent’s Motion [10] to Dismiss be granted, and Petitioner John Buhring’s Petition [1] for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 be dismissed. Additionally, the Court finds that this case should be dismissed for Petitioner’s failure to comply with the Court’s Order [5] to inform the Court of any change in his address.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [16] of Magistrate Judge John C. Gargiulo, entered on June 30, 2016, is **ADOPTED** in its entirety as the opinion of this Court along with the additional findings made herein.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Petitioner's Motion [13] to Transfer Case is **DENIED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Respondent Jennifer Saad's Motion [10] to Dismiss is **GRANTED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Petitioner John Buhning's Petition [1] for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED**. A separate final judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 19th day of July, 2016.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE